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The Idaho Courts Annual Report

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Trial Delays In Ada County

DRUNK DRIVER CASES HOG SPOTLIGHT

The first six months were spent waiting for it. The next six months were spent dealing with it. It was said to be a "lawyers relief bill" because of the potential litigation. It brought predictions that the courts would grind to a halt from a glut of jury trials. Whatever else it turned out to be, the legislature's new anti-drunken driving law monopolized the attention of the judiciary and the public in 1983.

The fight against drunk driving has been called this decade's most widespread and sustained grass-roots movement. With estimates that 25,000 Americans are killed and 700,000 injured each year in alcohol-related highway accidents, that grass-roots movement collided with the Idaho legislature and the courts in 1983.

In January, 1983, legislators began struggling to find a legislative solution to the spiraling increase (79% since 1975) in drunk driving cases. Caught between a public clamor for mandatory jail sentences and warnings from criminal justice officials of shortages of resources, the legislature devised a worthy compromise: leaving judges free to exercise their discretion in sentencing of first time offenders, while mandating a ten-day jail sentence for second time offenders. Courts would, however, have to suspend driver licenses for first time offenders for up to six months. Bowing to alcohol treatment advocates, legislators added a provision to the new law requiring an alcohol evaluation before sentencing.

Concurrent with the progress of the legislation, the Idaho Supreme Court adopted procedural rules to describe the mechanics of how the new legislation would be carried out. Form affidavits and a new uniform citation were designed and promulgated. And to ease the transition to the state's first major change in its DUI laws in more than a decade, the Supreme Court's administrative staff traveled throughout the state in April and May to hold training seminars on the law for judges, court clerks, prosecutors, and law enforcement officers.

Heralded by a barrage of media warnings of possible jail sentences and a statewide anti-drunk driving campaign, the new DUI law went into effect on July 1, 1983. Whether as a result of the advance publicity or the deterrent effect of possible jail sentences and loss of driver licenses, misdemeanor DUI case filings dropped sharply for the first time in several years--22.4% fewer defendants were charged with driving while under the influence in July of 1983, as compared with the first six months average.

Misdemeanor DUI complaints filed in the courts for the second six months of 1983 averaged 15% fewer complaints than the first six months of the year, before the new law went into effect. (See Chart, page 4.) The second six months average of 923 new filings per month was the lowest sustained average since 1981.

As predicted, defense attorneys were active in challenging the new law. Most attacks centered on the law's "per se" determination of guilt of defendants found with 0.10 blood alcohol content, as well as on automatic driver license seizures and suspensions for defendants who refuse to take a blood alcohol content. Trial courts upheld the "per se" law but on the question of license seizures and suspensions, judges initially split sharply, with some magistrates ruling the law invalid, while others up-held the provisions. By the end of the year, district judge rulings in appeals had stabilized the situation: the law was valid, and police officers again began seizing licenses of drivers who refused to take blood alcohol exams.

In Ada County, guilty pleas on first appearances dropped from 80% to 20% in a matter of weeks after the new law went into effect and requests for jury trials stretched trial waiting times from 3 to 7 months. Responding to the delays, the Supreme Court assigned eight magistrate judges from other judicial districts to hear jury trials in Ada County, and by the end of the year, defendants again were being tried within three to four months of their arraignment.

The new law was having other effects as well: in some parts of the state, prosecuting attorneys entered into more plea bargains, allowing

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CRACKDOWN ON TRIAL DELAY

The Chief Justice's no-nonsense program to reduce court delay has judges hopping to dispose of older cases.

See story on page 5

HIGHLIGHTS

CASELOADS RISING

After a two-year pause, trial court caseloads are on the rise again.

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TRAFFIC DECRIMINALIZATION

With Idaho's Traffic Infractions law less than six months old, jail cells are empty and there are already calls for expanding the law's coverage.

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PUBLIC TERMINAL EXPERIMENT

A public automated legal research terminal in the State Law Library makes computerized legal research only a telephone call away.

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CONTROVERSY DEFUSED

A statewide committee brings courts and counties closer on trial court financing.

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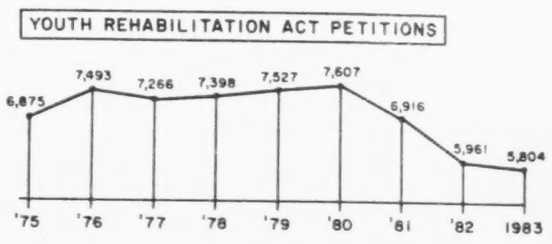
IDAHO BUCKS NATIONAL TRENDS AS JUVENILE DELINQUENCY COMPLAINTS CONTINUE TO DROP

Despite national concern about rising juvenile crime, the number of juvenile delinquency complaints being filed with the Idaho courts has been declining for the last several years. Delinquency complaints (technically called "Youth Rehabilitation Act petitions") have remained at consistent levels for almost a decade.

The 1983 total of 5,804 new petitions is almost 3% less than the 5,961 petitions filed in 1982. Since 1980, there has been a 24% decline in the number of delinquency complaints filed in the state.

This steady decline in new juvenile cases filed with the courts, when compared with Idaho's population growth over the same period and generally increasing juvenile crime rates of other states, probably evidences the successful efforts of courts and social agencies to divert less serious juvenile charges from the courts. With the leveling off in the number of youths placed in institutional settings reported by the state Department of Health and Welfare, and with increased involvement of private citizens and agencies in prevention and treatment programs for juveniles, juvenile court caseloads are seen as favorable trends.



An additional factor in the drop of delinquency complaints may be the state's "get tough" attitude toward juvenile crime. In recent years the Idaho legislature has passed laws lowering the age at which a juvenile may be prosecuted as an adult for serious and violent offenses, putting a higher premium on youthful criminality.

ON THE RECORD

"There is a growing dissatisfaction with delays in the courts on the part of citizens and private businesses which have almost written off the courts as a timely remedy for disputes. The viability of the courts as an institution to resolve disputes and remedy injuries depends upon public acceptance of the courts, and unnecessary delays are eroding public confidence."

--Chief Justice Charles R. Donaldson, speaking to administrative judges and trial court administrators on the problems of court delay.

"My mission is to hear cases, not continuances."

--Visiting Judge Gregory M. Culet, upon receiving yet another request to postpone a DUI jury trial in Ada County.

"The time has come for a special study commission to be established by the legislature, including key legislators, the Governor's staff, selected trial and appellate judges, and representatives of our correctional system, to review Idaho's criminal sentencing statutes. The commission should examine the possibility of establishing formal, detailed sentencing guidelines to replace the informal and general guidelines which now exist."

--Court of Appeals Judge Donald L. Burnett, Jr., in a speech to the Idaho Press Club.

THIS YEAR IN THE COURTS

APPELLATE FILINGS STAY AT RECORD LEVELS
The highest number of dispositions in Idaho's history reduced pending appeals before the Supreme Court and Court of Appeals, despite record filings.
page 2

WHERE IS THE DRUG PROBLEM?
Court filings failed to substantiate a drug problem.
page 4

DEBATE OVER LAWYER MAGISTRATES
While legislators debate, magistrates commissions are quietly replacing non-lawyer judges.
page 7

CHIEF JUSTICE TO GIVE STATE OF JUDICIARY MESSAGE
The legislature is set to institutionalize an annual state of the judiciary message in both houses.
page 7

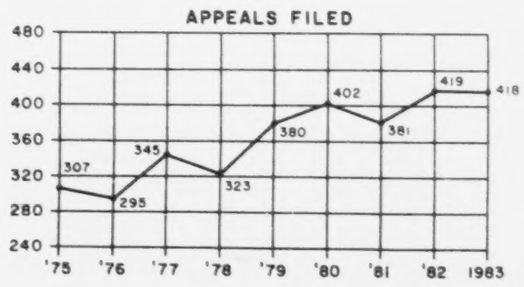
COURT OF APPEALS MAKES IMPACT
Since beginning operations in January, 1982, the Court of Appeals has had a significant impact on the backlog of pending appeals.
page 7

APPELLATE FILINGS STAY AT RECORD LEVELS

MOST APPEALS DISPOSED EVER

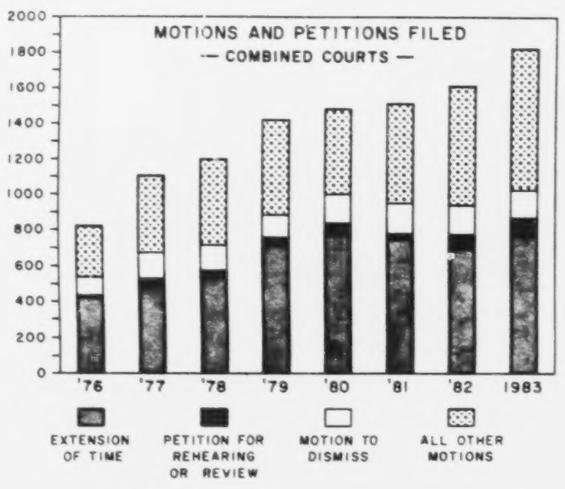
Perhaps no where else has the litigious nature of American society been more apparent than in the spiraling number of appeals. Increasing numbers of litigants are refusing to accept an initial court decision as final, and a "take it all the way to the top" attitude is flooding state and federal appellate courts throughout the country.

Idaho has not been an exception to national trends, and the business recession which depressed trial court case filings for the last two years seems to have had no apparent impact on appellate litigation. Appellate filings in 1983 were at their second-highest point in history, with the 418 appeals just one less than 1982's record 419 appeals.

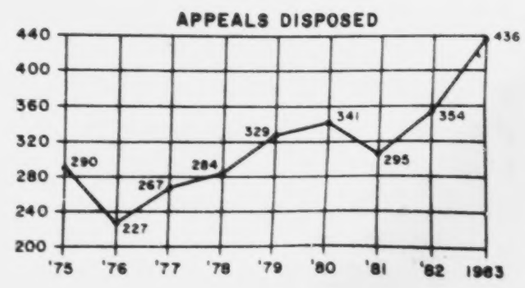


Despite the high level of filings in 1983, court officials still are hesitating to predict whether appeals might level off or even decline in the near future. The statutory increase in the interest rate on judgments and the increased ability of the appellate courts to hear cases since the creation of the court of appeals yet may reduce filings or lead to a higher rate of settlements before oral argument.

Petitions and motions increased in 1983, and continued to be a considerable strain on Idaho's system. During 1983, 1827 new petitions and motions were filed with the Courts. The courts dealt finally with 1836. The number of petitions and motions rose during 1983 14% from the 1982 record total of 1610. Also filed with the court during the year were 33 original proceedings and 2 attorney discipline matters. Some motions like the petition for writ of mandate involving state legislator's salaries, required substantial research and effort.



Appellate dispositions reached an all time high during 1983. The Supreme Court and Court of Appeals disposed of 436 appeals in 1983, a 23% increase from the record dispositions in 1982.



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Two-Year Respite Ends

CASELOADS RISE IN TRIAL COURTS

The end of the economic recession in Idaho has marked the return of a familiar fixture to the courts--an increase in caseload. After a two-year pause in the steady caseload increases of the 1970's, trial court caseloads have again begun to rise, perhaps signaling the dominant trend of the 1980's.

After an almost 8% decline in new case filings for the period January 1, 1981 through December 31, 1982, new cases coming into the courts started to climb again in 1983, with the total filings in all courts of 301,359 a 1.6% increase over the 1982 total of 296,733 filings.

Changing Growth Patterns

During the decade of the 1970's, new cases had been filed in the Idaho courts at an almost uniform 4-5% annual increase. State officials became accustomed to predictable growth and responded accordingly, by building new courtrooms and adding more judges to accommodate heavier workloads.

The growth in trial court business had a number of contributing factors during the 1970's, including the sharp growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1980, the state's population grew by 32% from 713,015 to 943,935, and the number of attorneys almost tripled, from about 600 to 1,540. An economic upswing may signal a return to the increasing caseload trends of the 1970's in the latter half of the 1980 decade.

Winners and Losers

An increase in traffic cases accounted for one-third of the increase in trial court filings. After dropping sharply in 1982, new traffic cases increased by 0.8% to 199,894, in 1983, up from 198,354 in 1982.

Small claims department filings took the biggest loss, dropping 12.7% to 14,360 in 1983, down from the 1982 record high of 16,444. Court watchers had speculated that the 1982 record number of small claims filings may have been spurred by recession-pressed plaintiffs choosing to file suit against asset-poor defendants in the small claims departments, waiving balances of claims above $2000, rather than paying attorney fees to gain a judgment in the magistrate division which might be uncollectable.

Overall, magistrate division case filings increased by 1.7%, from 287,240 in 1982 to 292,026 in 1983. District court filings dropped slightly in 1983 to 9,333 as compared with 9,493 new cases in 1982.

Dispositions Up

Despite reports from trial judges that individual cases have become more complex and that the time required to dispose of individual cases has expanded, the trial courts increased their overall dispositions in 1983.

District judges and judges of the magistrate division disposed of 3.4% more cases in 1983 than in 1982, disposing of 300,579 cases during the past calendar year, as compared with 290,740 cases in 1982. The number of cases pending in the trial courts nonetheless rose by 1.1% in 1983 from 49,579 on December 31, 1982 to 50,119 on December 31, 1983.

The average number of new cases filed for each district judge in the state in 1983 was 283 cases, while the average for judges of the magistrate division was 4172 new cases. This compares with new case filings in the prior year of 306 cases per district judge and 4046 new cases per magistrate judge. The district judges disposed of an average of 292 cases per judge during the year, while the judges of the magistrate division averaged 4156 dispositions per judge.

Of the civil cases which received a final judgment in the trial courts in 1983, 7847 or 16.2% were disposed of with a court or jury trial. On the criminal side, 97.5% of these cases were disposed of through pleas or dismissals, while 6050 or 2.5% received a court or jury trial.

Magistrate Appeals

Appeals from the magistrate division to the district court continued to rise in 1983, adding to district court caseloads. In 1983, district courts received 597 appeals from magistrate decisions, up 18.9% over the 502 appeals filed in 1982. District judges disposed of 563 magistrate division appeals in 1983, leaving 403 appeals pending at the end of the year.

Details Available

Upon request, interested parties may obtain from the Administrative Office of the Courts detailed summaries by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide, by district and by county.

APPELLATE FILINGS STAY . . .

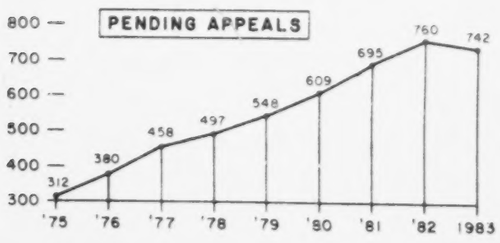
(Continued from Page 2)

During 1983, the Supreme Court disposed of 185 appeals by majority opinions, while the Court of Appeals disposed of 100 by majority opinions. This was a substantial productivity increase for the second straight year.

MAJORITY OPINIONS FINALLY DISPOSING OF APPEALS

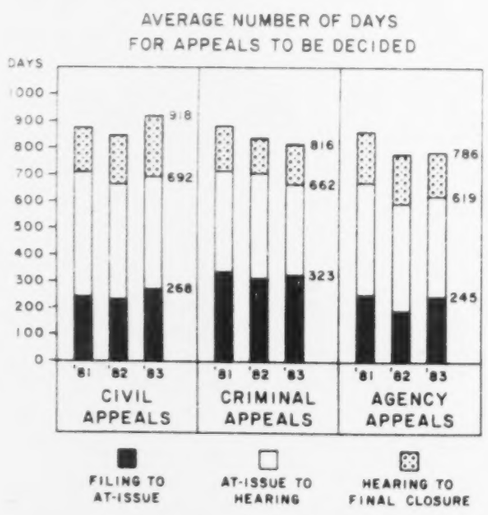
Calendar Year	Supreme Court Opinions	Court of Appeals Opinions	Total Opinions
1983	185	100	285
1982	137	88	225
1981	141		141
1980	145		145
1979	188		188
1978	157		157
1977	169		169
1976	136		136

The total number of appeals pending has risen steadily and sharply since 1974. But in 1983, for the first time in the decade, the number of pending appeals was less at the end of the year than at the beginning. At year's end there were 742 appeals which had been filed and were still awaiting final disposition, compared to the 760 appeals which had been pending at the beginning of 1983.



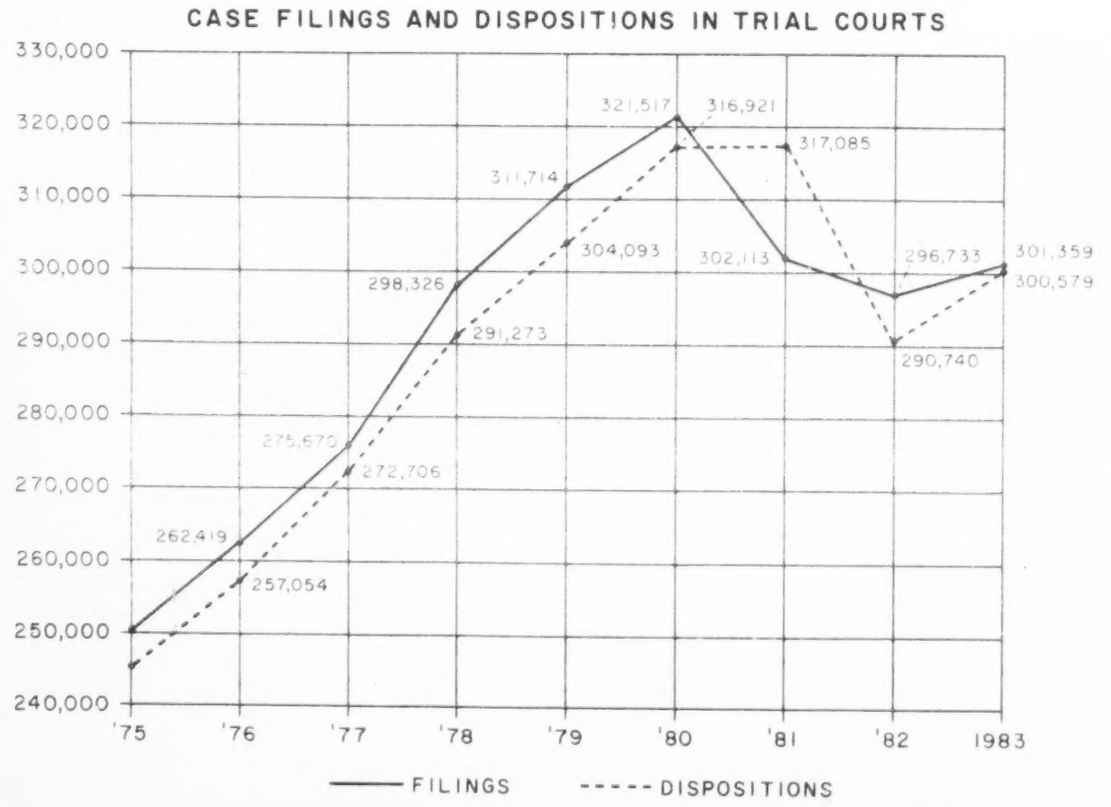
Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their appeal decided is of more importance to individual litigants, and in this statistic there has been considerable improvement, largely as a result of the creation of the Court of Appeals.

During 1983 it took an average of 871 days from the time an appeal was filed with the Supreme Court until either the Supreme Court or Court of Appeals finally concluded its work on the case. While higher than 1982's average, the delay was still less than 1981, the year before the creation of the court of appeals. This average was days less than the average in 1982, and a full months less than would have been the delay without the Court of Appeals.



Both courts helped cut down the total amount of time it takes from when a case is fully briefed and ready to be argued until oral argument is held. That delay averaged about 13 months, and the Supreme Court was completely current in Twin Falls and Pocatello.

CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



The Idaho Courts Annual Report is published pursuant to Idaho Code § 1-612

ON BEHALF OF THE SUPREME COURT OF IDAHO
Chief Justice Charles R. Donaldson
Justices: Allan G. Shepard, Robert E. Bakes,
Stephen Bistline, Robert C Huntley Jr.

BY THE ADMINISTRATIVE OFFICES OF THE COURTS
Carl F. Bianchi, Administrative Director of the Courts
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TRAFFIC DECRIMINALIZATION WORKING

After two years of preparation and amendments, Idaho's Traffic Infractions Act went into effect on July 1, 1983, and the big news is there haven't been any hitches.

Conceived by the state's Prosecuting Attorney Association but amended substantially by the judiciary, the new law removes traffic offenses from the category of crimes. Under the former law, errant drivers technically could be fined up to $300 and jailed for six months for traffic violations, but under the new law violators can't be jailed and the maximum penalty that can be assessed is $100.

The exact amount of traffic penalties is set by Supreme Court order, and judges are no longer free to reduce the amount of penalties to be assessed. This change has resulted in a reduction in the number of defendants who appear before judges to plead their cases--they can still plead not guilty and get a trial, but an elaborate explanation and sorrowful demeanor no longer will earn the violator a reduced fine. Court officials estimate that the number of drivers appearing personally before judges dropped by about 38% after the new law went into effect on July 1.

Drivers no longer have to make two court appearances to contest a traffic ticket. They can register a "not guilty" plea and obtain a trial date from the court clerk's office. And drivers now can mail in a check for the amount of the penalty.

Another reform involves enforcement of nonpayment of traffic penalties: previously, defendants could be jailed for nonpayment of traffic fines, and many were. The new law prohibits arrest and jailing of drivers. Nonpayment of penalties results in a license suspension. As reported by law enforcement officials around the state, this change has resulted in a sharp drop in the number of persons spending time in local jail facilities for traffic-related problems. Also, police officers no longer can arrest a driver who refuses to sign a traffic citation, eliminating shouting matches and altercations between law enforcement officers and drivers.

Decriminalization of traffic offenses has worked so well in Idaho to date that lawmakers are considering expanding the category of infractions to include other non-traffic misdemeanors. With its emphasis on traffic regulation rather than criminal enforcement, the Idaho Traffic Infractions Act has given the state a new approach to policing its streets and highways.

BAKES HEADS NATIONAL JUDGES GROUP

Idaho Supreme Court Justice Robert E. Bakes has been elected 1983-84 Chairman of the Appellate Judges Conference of the American Bar Association's Judicial Administration Division. The group represents state and federal appellate judges from throughout the country, and works to educate and improve the appellate judiciary.

1.8 %

JUDICIAL EXPENDITURES AS A PERCENTAGE OF TOTAL STATE EXPENDITURES FISCAL YEAR 1983

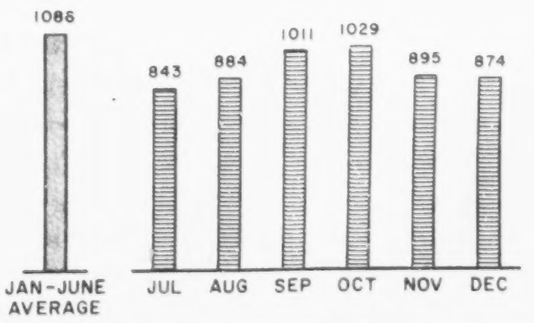
DRUNK DRIVERS . . .

(Continued from Page 1)

defendants to plead guilty to a lesser charge to avoid going to trial. In Ada County, the number of defendants pleading guilty to reduced or amended charges increased from 14% in January, to 42% in December, while the percentage of cases going to trial jumpred from 2% in January to 31% in December.

More defendants went to jail under the new law. Of all the defendants initially charged with DUI, 44% went to jail in December, 1983, as compared with 29% in January. When just those defendants who actually appeared before the judge for sentencing are considered, 64% went to jail in December, as compared with 41% in January. In one county --Bonneville County--the percentage of defendants who appear before a judge and are sentenced to incarceration for DUI offenses remained consistent between the beginning and the end of 1983--100%!

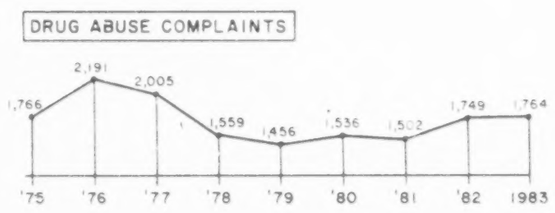
With only six months experience, court officials were reluctant to predict long term trends, but by the end of 1983, the new DUI law coupled with educational efforts and changing societal attitudes toward drinking and driving appears to have contributed toward at least an interim decline in the number of drunken driving charges being brought to the courts.



1983 DUI MISDEMEANORS CASE FILINGS

WHERE IS THE DRUG PROBLEM?

Law enforcement agencies have continued to voice concern over an alleged increase in the flow of illegal drugs into Idaho. Court case filings, however, failed to substantiate any significant increased prosecution for illegal drugs in recent years.



Drug-related complaints filed in the state courts in 1983 were almost identical with the 1982 level. There were 1764 new drug abuse complaints filed in 1983, compared with the 1982 total of 1749 complaints. This level continues a generally lower trend in drug-related complaints in recent years, compared with complaint levels in the early and mid-1970's.

Perhaps reflecting diversion efforts, petitions against juveniles for drug-abuse charges dwindled to only 16 statewide, down from 44 petitions in 1982. Petitions against juveniles represented less than 1% of the total drug abuse case filings in Idaho.

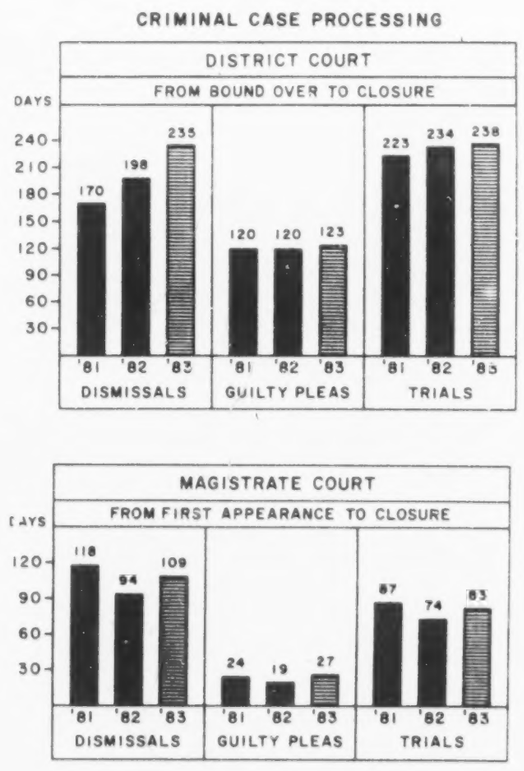
Magistrate judges disposed of 1705 adult drug complaints and 21 juvenile drug complaints in 1983, while district judges disposed of a total of 313 felony drug cases.

HOW LONG JUSTICE IS TAKING

In many cases, the amount of time it takes to get a decision is almost as important as the decision itself. How can one measure how long a defendant should wait in a jail cell before his case is heard, or what is a reasonable wait for a parent in a child custody action? While Idaho has never experienced the five-year trial delays of some of the urban states, the judiciary nevertheless is concerned about delay and has begun measuring its performance.

Even after a case has been filed in court, there are many reasons for delay which are beyond the courts' control. Problems in scheduling witnesses, late filing of attorney briefs, extensions of time to obtain appointed counsel, and extra time needed for presentence reports can delay final disposition of a case.

For years, civil case operating times have been left up to the individual litigants, although recently the courts have become more active in moving the civil calendar. Criminal cases always have received a priority in court scheduling. With the help of statutory time limits for certain procedures, criminal case processing times are much less than civil cases.



A recent survey conducted by the Administrative Office of the Courts showed district judges throughout the state calendaring civil trials from 2 to 12 months in advance with waiting time for criminal trial dates varying from 1 to 5 months. The relationship between pending cases and the time taken to dispose

(Continued from Page 7)